

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EMANUEL H. JONES,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 06-674-SLR
)	
OFFICER NORRIS and NEW CASTLE)	
COUNTY POLICE DEPARTMENT,)	
)	
Defendants.)	

ORDER

At Wilmington this *29th* day of March, 2008, having considered plaintiff's motions for appointment of counsel;

IT IS ORDERED that said motions (D.I. 31, 39) are denied for the reasons that follow:

1. A pro se litigant proceeding in forma pauperis has no constitutional or statutory right to representation by counsel. See Ray v. Robinson, 640 F.2d 474, 477 (3d Cir. 1981); Parham v. Johnson, 126 F.3d 454, 456-57 (3d Cir. 1997). It is within the court's discretion to seek representation by counsel for plaintiff, and this effort is made only "upon a showing of special circumstances indicating the likelihood of substantial prejudice to [plaintiff] resulting . . . from [plaintiff's] probable inability without such assistance to present the facts and legal issues to the court in a complex but arguably meritorious case." Smith-Bey v. Petsock, 741 F.2d 22, 26 (3d Cir. 1984); accord Tabron v. Grace, 6 F.3d 147, 155 (3d Cir. 1993) (representation by counsel may be

appropriate under certain circumstances, after a finding that a plaintiff's claim has arguable merit in fact and law).

2. After passing this threshold inquiry, the court should consider a number of factors when assessing a request for counsel, including: (1) the plaintiff's ability to present his or her own case; (2) the difficulty of the particular legal issues; (3) the degree to which factual investigation will be necessary and the ability of the plaintiff to pursue investigation; (4) the plaintiff's capacity to retain counsel on his own behalf; (5) the extent to which a case is likely to turn on credibility determinations; and (6) whether the case will require testimony from expert witnesses. Tabron, 6 F.3d at 155-57; accord Parham, 126 F.3d at 457; Montgomery v. Pinchak, 294 F.3d 492, 499 (3d Cir. 2002).

3. The motions at bar are plaintiff's second and third motions for appointment of counsel. The first motion (D.I. 14) was denied on April 19, 2007. (D.I. 29) Subsequently, plaintiff exchanged discovery materials, filed notices and additional motions with the court. (D.I. 34, 37, 38) Although plaintiff states that he has limited knowledge of the law and lacks the expertise to conduct a factual investigation of the matter, the court finds the various papers submitted by plaintiff demonstrate an ability to coherently present his claims and requests for relief. Accordingly, plaintiff's motions for appointment of counsel are denied without prejudice.


United States District Judge